

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT I. CHILDRESS,

Petitioner,

Case No. 00-CR-80466

vs.

HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,

Respondent.

_____ /

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of appeal of this court's order dismissing his 28 U.S.C. § 2255 motion as untimely. Before petitioner can appeal this court's decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed.R.App.P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner in this case has made no such showing, as found by the court in its Order of June 30, 2010. For this reason, a certificate of appealability is DENIED.

So ordered.

Dated: August 31, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 31, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk